

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL PRESTON,

Plaintiff,

-against-

ABSECON MILLS, INC.,

Defendant.

12 CV 1393 (ALC)(JLC)

DECLARATION OF DAVID ADAIR
PURSUANT TO 28 U.S.C. § 1746 IN
SUPPORT OF ABSECON'S OPPOSITION TO
PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

I, David Adair, declare that I have personal knowledge of the following facts and that they are, to my knowledge, true and correct:

1. I am the Executive Vice President of the Defendant, Absecon Mills, Inc. (hereinafter, "Absecon" or "the company"). I am involved in industry practices and technologies for weaving. I make this declaration in opposition to Plaintiff Daniel Preston's ("Preston" or "Plaintiff") motion for a temporary restraining order and preliminary injunction.
2. In 2008, I was invited to a meeting with William Spano ("Spano") and a representative of American Liba, Inc. ("American Liba") to discuss Absecon's involvement in the ballistics business.
3. Spano offered the idea to Randolph Taylor to investigate multi-axial and unidirectional fabrics for antiballistic products. During that time frame in 2008, multi-axial weaving was a growing trend in the weaving industry.
4. In early 2008, Spano discussed with me his previous research and development work in utilizing heat melt yarns being used to fabricate antiballistic fabric. Spano was in contact with Christian Wienands at American Liba to discuss the possibility of multi-angle, multi-axial weave technologies as early as 2008.

5. I was in attendance at the August 2010 meeting between Christian Wienands Randolph Taylor, Daniel Preston, William Spano where Daniel provided a glimpse of a sample of fabric purporting to have extraordinary capabilities. Shortly after the meeting with Preston I became skeptical of the economic viability of this purported fabric and that it would actually function in the manner that Daniel said it would. Daniel provided absolutely no evidence that the fabric sample he showed me was capable of achieving any of the representations he made to the group and continued to decline our request for backup data and specifications. Preston never gave us any documents that proved his fabric and process can do what he said they would.

6. I am not aware of any documentation from Preston where he identified for Absecon what he considered to be "Licensed Technology" under the terms of the August 19, 2010 exclusive license agreement between Preston and Randolph Taylor ("Taylor").

7. Absecon has not and does not use anything purported to be Daniel Preston's Licensed Technology. Multi-axial and unidirectional weaving and z-directional fibers have been used in textile applications for many, many years.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 8, 2012 in Cologne, New Jersey

A handwritten signature in blue ink, appearing to read "David Adair", is written over a horizontal line.

David Adair